

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., ET AL.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, AS GOVERNOR
OF THE STATE OF MISSISSIPPI, ET AL.

DEFENDANTS

CONSENT ORDER

WHEREAS this matter came before this Court on the parties' Agreed Motion for Consent Order Extending Time to File the Year Two Implementation Plan.

WHEREAS, Pursuant to the terms of the Mississippi Settlement Agreement and the Reform Plan ("Settlement Agreement"), the parties agree to the following:

1. On July 1, 2008, Don Thompson became the new Executive Director of the Mississippi Department of Human Services.
2. On September 2, 2008, Lori Woodruff was appointed as the Mississippi Department of Human Services' Deputy Administrator of Family and Children's Services over the Division of Family and Children's Services.
3. On September 16, 2008, Mike Gallarno was appointed to serve as the Division of Family and Children's Services Director of Performance and Quality Improvement.
4. As part of their initial assessment, the above appointees determined that in order to satisfy the terms of the Settlement Agreement, the Mississippi Division of Family and Children's Services must be restructured from both an organizational and personnel standpoint. Such restructuring is fundamental to achieving the systemic and comprehensive goals contemplated by the Settlement Agreement.

5. As a result of the time required to restructure the Division of Family and Children's Services, Defendants have not assessed or met all of the first-year obligations under the Settlement Agreement or the Year 1 Implementation Plan nor has the Court-appointed Monitor completed an assessment of compliance with those first year obligations.
6. It is in the interest of the parties to negotiate a Year 2 Implementation Plan based upon comprehensive Year 1 compliance data. The Monitor shall have first year compliance data available to the parties by February, 2009. Based upon that data, the parties shall develop and agree upon a Year 2 Implementation Plan to supplant the Year 1 Implementation Plan by April 1, 2009.
7. The term of the Year 1 Implementation Plan shall continue until the Year 2 Implementation Plan is signed by the parties and thereby incorporated into the Settlement Agreement.
8. If Defendants learn of a significant event which jeopardizes the health or safety of members of the Plaintiffs class, the Defendants shall, as soon as practicable, notify the Plaintiffs and Monitor in writing. This provision shall not apply to isolated events or developments related to any individual class member.
9. If, upon learning of a significant event, Plaintiffs believe that the health and/or welfare of members of the Plaintiff class is in jeopardy, they shall notify Defendants in writing. Within 10 calendar days of Plaintiffs' notice, Defendants shall submit a written response to Plaintiffs. The parties agree to engage in good faith negotiations and to make all reasonable efforts to agree on necessary corrective actions within 30 calendar days of the date of Defendants' response. In the event that the parties cannot agree on a plan of corrective

action, the issue shall be referred to the Court Monitor for resolution. This provision shall not apply to isolated events or developments related to any individual class member.

10. This Order shall terminate when superseded by the execution and filing of the Year 2 Implementation Plan.

AGREED TO AND APPROVED FOR ENTRY BY:

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SO ORDERED AND ADJUDGED, this the 1st of January 2009.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE